

APPENDIX D

Bid Log 2008-01
Bolsa Chica Lowlands Dredging Project

USACE Regional General Permit
Number 67

SWRCB Clean Water Act
Section 401 Certification



*LOS ANGELES DISTRICT
U.S. ARMY CORPS OF ENGINEERS*

REGIONAL GENERAL PERMIT NUMBER 67

**DISCHARGES OF DREDGED OR UPLAND-DERIVED FILL MATERIALS
FOR
BEACH NOURISHMENT**

Permittee: This Regional General Permit (RGP) applies to anyone in the coastal counties of California located within the boundary of the Los Angeles District of the Corps of Engineers (Los Angeles, Orange, San Diego, Ventura, Santa Barbara, and San Luis Obispo counties).

Permit Number: 200401896-KW

Issuing Office: Los Angeles District

Effective Date: September 25, 2006

Expiration Date: September 25, 2011

The District Engineer, Los Angeles District, U.S. Army Corps of Engineers hereby issues Regional General Permit No. 67. This RGP authorizes anyone in coastal counties of California located within the boundary of the Los Angeles District of the Corps of Engineers to discharge dredged or upland-derived fill materials for beach nourishment in accordance with the terms and conditions specified below.

This permit is being issued under Section 404 of the Clean Water Act of 1972 (33 U.S.C. 1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and is in accordance with provisions of the Regulatory Programs of the Corps of Engineers (33 CFR Part 322.2(f)) for activities which are substantially similar in nature, which cause only minimal individual and cumulative environmental impacts.

The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official acting under the authority of the commanding officer.

You are authorized to discharge dredged or upland-derived fill materials for beach nourishment in accordance with the terms and conditions specified below.

Permit Conditions:

General Conditions:

1. The time limit for completing the authorized activity ends on **September 25, 2011**.
2. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. The Corps will initiate appropriate Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
3. You must comply with the terms and conditions of the Technically-Conditioned State Water Quality Certification dated March 27, 2006 (see **Attachment 1**).
4. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished with the terms and conditions of your permit.

Section 10

1. The permitted activity shall not interfere with the right of the public to free navigation on all navigable waters of the United States as defined by 33 C.F.R. Part 329.
2. The Permittee shall notify the Corps of the date of commencement of operations not less than 14 calendar days prior to commencing work, and shall notify the Corps of the date of completion of operations at least five calendar days prior to such completion.
3. The Permittee and its contractor(s) shall not remove, relocate, obstruct, willfully damage, make fast to, or interfere with any aids to navigation defined at 33 C.F.R. chapter I, subchapter C, part 66. The Permittee shall ensure its contractor notifies the Eleventh Coast Guard District in writing, with a copy to the Corps, not less than 30 calendar days in advance of operating any equipment adjacent to any aids to navigation which requires relocation or removal. Should any federal aids to navigation be affected by this project, the Permittee shall submit a request, in writing, to the Corps as well as the U.S. Coast Guard, Aids to Navigation office. The Permittee and its contractor are prohibited from relocating or removing any aids to navigation until authorized to do so by the Corps and the U.S. Coast Guard.
4. Should the Permittee determine the work requires the placement and use of private aids to navigation in navigable waters of the U.S., the Permittee shall submit a request in writing to the Corps as well as the U.S. Coast Guard, Aids to Navigation office. The Permittee is prohibited from establishing private aids to navigation in navigable waters of the U.S. until authorized to do so by the Corps and the U.S. Coast Guard.
5. Upon notification to the U.S. Coast Guard as specified in Special Condition 10, the Permittee shall forward a copy of the notification to the Coast Guard Captain of the Port (COTP). The

COTP may modify the deployment of marine construction equipment or mooring systems to safeguard navigation during project construction. The Permittee shall direct questions concerning lighting, equipment placement, and mooring to the appropriate COTP.

Beach Nourishment:

Pre-discharge requirements:

1. Discharges of fill material into waters of the U.S. authorized in this permit shall be limited to the volume and grain size distribution specified on a case-by-case basis. The applicant is required to concurrently submit to the Corps, Environmental Protection Agency (EPA), and the appropriate Regional Water Quality Control Board and receive written approval (by letter or e-mail) from the Corps for a sampling and analysis plan (SAP) for each proposed use of this permit. The SAP will be in accordance with standard tiered testing procedures and will include testing at the source and proposed discharge site (one of the sites approved under this permit). The SAP would also address sieve (grain size) analysis, as well as the potential for adverse impacts involving aesthetics and compaction directly related to characteristics of the proposed source material and the receiving beach material. The applicant will prepare a source and receiver site grain size profile using the composite envelope approach developed by the Sand Compatibility and Opportunistic Use Program (SCOUP) (see **Attachment 2**). The results of the approved SAP will be submitted to the Corps, EPA, and appropriate Regional Water Board for review and approval.
2. If source material is to be dredged, separate authorization under Sections 10 and/or 404 will be required.
3. Non-traditional materials, such as materials derived from upland sources, must be discharged in the surf-zone, subject to other applicable restrictions (location, timing).
4. A detailed, pre- and post-project monitoring plan will be submitted for Corps review and approval at least 30 calendar days prior to work in waters of the U.S. No work in waters of the U.S. is authorized until the permittee receives written approval (by letter or e-mail) of the plan from the Corps. The plan shall identify monitoring protocol, reporting protocol, and contingency operations to evaluate potential changes in turbidity/sedimentation, water quality, and biology within the proposed discharge site and the adjacent offshore area. The survey would be required to identify and delineate habitat types, including eelgrass beds, high-relief reef and low-relief vegetated reefs (with indicator species including giant and feather boa kelp, large sea fans, sea palms, and surf-grass), immediately adjacent and downcoast of the proposed discharge, with potential to be impacted by the proposed discharge. In addition, pre-project monitoring shall include surveys to evaluate beach suitability for California grunion (*Leuresthes tenuis*) activity. In the event that beach nourishment operations would extend beyond March 1 through August (the grunion spawning season), and if surveys indicate that beach conditions are found to be suitable for grunion activity or grunion activity is detected at any time, the permittee shall refrain from work and immediately notify the Corps (within 24 hours). After coordination with National Oceanic and Atmospheric Administration-National Marine Fisheries Service (NOAA Fisheries), to ensure that impacts to California grunion are minimized to the greatest extent possible, the Corps may authorize the permittee to proceed.

5. A detailed sediment budget analysis will be submitted for Corps review and approval at least 30 calendar days prior to work in waters of the U.S. No work in waters of the U.S. is authorized until the permittee receives written approval (by letter or e-mail) of the plan from the Corps. The plan will be based on (1) pre-project sediment budget analysis or (2) known sediment budget data for the receiving beach from a reasonably recent study. The permittee should be able to demonstrate a net loss of sediment deposition over the project area, and thus that local beach profiles reflect these conditions and show the effects of erosion.
6. A detailed description of the transport and discharge operations authorized by this permit will be submitted to the Corps at least 30 calendar days prior to work in waters of the U.S. Description of the transport and discharge operations should include, at a minimum, the following:
 - A) Transport and discharge procedures for all sediment, including all material unsuitable for beach nourishment discharge.
 - B) A schedule showing when the beach nourishment project is planned to begin and end.
 - C) A debris management plan to prevent disposal of large debris at all beach discharge locations. The debris management plan shall include: sources and expected types of debris, debris separation and retrieval methods, and debris disposal methods.
 - D) The plan shall include the volume of material to be excavated and discharged.
7. Meet the following restrictions on sensitive resources and listed species per the Endangered Species Act (ESA).
 - A) No activities authorized under this RGP will be conducted within 500 yards of breeding western snowy plover from March 1 through September 30.
 - B) No activities authorized under this RGP shall adversely impact Essential Fish Habitat (EFH), including the burying of kelp or other marine vegetation that provides a forage base for western snowy plover.
 - C) No activities authorized under this RGP will be conducted within 1000 yards of a California least tern breeding colony from April 1 through August 30.
 - D) Activities shall avoid wintering concentrations of western snowy plovers.
 - E) Activities shall avoid impacts to light-footed clapper rail habitat and avoid conducting activities within 500 yards of occupied rail habitat during the breeding season.
 - F) Avoid activities within any estuary or lagoon.
 - G) In order to avoid impacts to the grunion, dredging and deposition of material should be restricted to the period between September 1st and February 28th. If dredging outside this window is required, applicants will be required to assess a schedule of predicted runs, and limit disposal activities to 24 to 72 hours prior to a predicted run. Discharges will not be allowed immediately following a documented run.
8. Material derived from upland sources must be placed "wet" via slurry discharge or mechanical direct placement through means that does not "push" the material along beach.

“Wet” is defined as placement where the toe of any mound of material is below Mean Sea Level, and the highest point is at the Mean Hightide Line. Any material not dispersed via tidal action at the next high tide will be mechanically reworked until it is dispersed.

9. All standard Best Management Practices (BMPs) apply.

If, based on the results of the above requirements, and any required consultations, a project were found to:

- Demonstrate compatibility of materials comprised of at least 80% sand and no more than 10% sand difference from the receiving beach;
- Test clean per the requirements of the Inland Testing Manual, or be categorically excluded from testing according to the 40 CFR exclusions;
- Have no negative aesthetic impact on the receiving beach;
- Not adversely impact any Special Aquatic Site and/or provide adequate mitigation and post-project monitoring to address such impacts in consultation with NOAA Fisheries;
- Meet the above ESA restrictions; and
- Prove a need for the discharge at the proposed location;

the project would then qualify for the RGP. The Corps would prepare a Pre-construction Notification (PCN) transmittal containing detailed information pursuant to the list above, and this transmittal would be provided to: the California Coastal Commission (CCC); State Department of Fish and Game; appropriate Regional Water Quality Control Board; EPA; NOAA Fisheries, US Fish and Wildlife Service; and the Coastal Sediment Management Workgroup. Once proof of CCC consistency was received, the Corps would issue a Notice to Proceed (NTP) for the discharge.

10. No discharge of fill material into waters of the U.S. is authorized for any single proposed project until the Corps has provided a Final signed notification to proceed (NTP) .

11. All post-discharge reports must be submitted to the above agencies.

12. Projects not meeting the above criteria and where issues cannot be resolved informally would be required to submit an application for a Standard Individual Permit. Were any adverse impacts to EFH or threatened or endangered species to be identified, the Corps would initiate the required consultations with the resource agencies, and consider the need for alternate permitting strategies.

Post-discharge special conditions:

13. If a violation of any permit condition occurs during discharge operations, the Permittee shall report such violations to the Corps within twenty-four (24) hours after the violation occurs. If the permittee retains any contractors to perform any activity authorized by this permit or to monitor compliance with this permit, the Permittee shall instruct all such contractors that notice of any permit violations must be provided to the Permittee immediately so the Permittee can report the violation as required.

14. The permittee shall maintain a copy of this permit on all vehicles used to transport and discharge of fill material authorized under this permit.
15. The permittee shall send one (1) copy of the post-discharge report to the Los Angeles District's Regulatory Branch documenting compliance with all general and special conditions defined in this permit. The post-discharge report shall be sent within 30 calendar days after completion of the discharge operations authorized in this permit. The report shall include:
 - A) All information collected by the permittee as required by the special conditions of this permit. The report shall indicate whether all general and special permit conditions were met. Any violations of the permit shall be explained in detail.
 - B) The post-discharge report shall include the following information:
 - i) Corps permit number.
 - ii) Identify source of material.
 - iii) Total cubic yards disposed at each discharge site.
 - iv) Modes of transportation and discharge.
 - v) Form of discharged material and percent sand, silt and clay in the dredged material.
 - vi) Actual start date and completion date of transport and discharge operations.
 - vii) Monitoring results.
16. The applicant will submit the results of post-project monitoring, as required, within 30 calendar days of the discharge. Based on pre- and post-project monitoring results, the Corps will determine the level of impact and if additional resource monitoring is warranted. If additional monitoring is required, the Corps will notify the permittee of this requirement and the permittee shall submit a supplemental monitoring plan for Corps review and approval within 30 calendar days of notification by the Corps and shall conduct the additional monitoring as approved. If the Corps determines there have been no impacts, the monitoring program may be terminated at that time. If additional monitoring is required, the conditions of the original monitoring plan remain in effect until the supplemental plan is completed and approved by the Corps.
17. This permit does not authorize significant impacts to aquatic resources. Based on pre- and post-project monitoring results, the Corps will determine if impacts to aquatic resources have occurred and if mitigation is required. Any required mitigation would be the responsibility of the Permittee and failure to implement Corps-specified mitigation could result in enforcement proceedings.
18. The Permittee shall implement all appropriate, standard BMP's to ensure that toxic materials, silt, debris, or excessive eroded materials do not enter waters of the U.S. due to beach nourishment operations.
19. The applicant will establish a safety flag perimeter of the beach nourishment area during disposal activities, and monitor the premises to protect the general public from construction hazards and equipment.

20. No maintenance, storage, or fueling of heavy tracked equipment or vehicles will occur within 500 feet of the high tide line of waters of the U.S.

Further Information:

1. Congressional Authorities. You have been authorized to undertake the activity described above pursuant to:

(X) Section 10 of the River and Harbor Act of 1899 (33 U.S.C. 403).

(X) Section 404 of the Clean Water Act (33 U.S.C. 1344).

() Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

- a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.
- b. This permit does not grant any property rights or exclusive privileges.
- c. This permit does not authorize any injury to the property or rights of others.
- d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:


- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
 - d. Design or construction deficiencies associated with the permitted work.
 - e. Damage claims associated with any future modification, suspension, or revocation of this permit.
4. Reliance on Applicant's Data. The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
- a. You fail to comply with the terms and conditions of this permit.
 - b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
 - c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measure ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give you favorable consideration to a request for an extension of this time limit.

This permit is issued for and on behalf of Colonel Alex C. Dornstauder, District Engineer.


David J. Castanon
Chief, Regulatory Branch

9-25-06
DATE



*LOS ANGELES DISTRICT
U.S. ARMY CORPS OF ENGINEERS*

CERTIFICATION OF COMPLIANCE WITH

Permit Number: Regional General Permit No. 67 (200401896-KW)

Name of Permittee:

Date of Issuance: September 25, 2006

Upon completion of the activity authorized by this permit, sign this certification and return it to the following address:

Regulatory Branch - Los Angeles District Office
ATTN: CESPL-CO-R-200401896-KW
P.O. Box 532711
Los Angeles, California 90053-2325

Please note that your permitted activity is subject to a compliance inspection by an Army Corps of Engineers representative. If you fail to comply with this permit you may be subject to permit suspension, modification, or revocation.

I hereby certify that the work authorized by the above referenced permit has been completed in accordance with the terms and conditions of said permit.

Signature of Permittee

Date



ATTACHMENT 1

State Water Resources Control Board



Linda S. Adams
Secretary for
Environmental Protection

Executive Office

Tam M. Doduc, Board Chair
1001 I Street • Sacramento, California 95814 • (916) 341-5615
Mailing Address: P.O. Box 100 • Sacramento, California • 95812-0100
Fax (916) 341-5621 • <http://www.waterboards.ca.gov>

Arnold Schwarzenegger
Governor

July 27, 2006

RECEIVED
AUG 01 2006
REGULATORY BRANCH
LOS ANGELES OFFICE

Mr. Joshua L. Burnam
Regulatory Branch
Los Angeles District
U.S. Army Corps of Engineers
P.O. Box 532711
Los Angeles, CA 90053-2325

Dear Mr. Burnam:

ORDER FOR TECHNICALLY-CONDITIONED WATER QUALITY CERTIFICATION:
U.S. ARMY CORPS OF ENGINEERS (CORPS), LOS ANGELES DISTRICT (LAD)
REGIONAL GENERAL PERMIT (RGP) 67 - BEACH NOURISHMENT IN SOUTHERN
CALIFORNIA (CORPS FILE NO. 200401896-JLB)

This Certification Order responds to your request on behalf of the Corps' LAD
Regulatory Branch for Clean Water Act section 401 Water Quality Certification
(Certification) for the subject project.

ACTION

- ☐ Order for Standard Certification
- ☒ Order for Technically-Conditioned Certification
- ☐ Order for Denial of Certification
- ☐ Order for Waiver of Waste Discharge Requirements

PROJECT DESCRIPTION:

RGP 67 authorizes discharges of sand from dredging and upland construction to eroding beaches (beach nourishment). A copy of RGP 67 is included with this Certification as Enclosure 1.

Under RGP 67, potentially eligible projects will need a project-specific Notice to Proceed (NTP) from the Corps before discharging.

California Environmental Protection Agency



To qualify for the RGP, an applicant will submit:

1. A Draft Sampling and Analysis Plan (SAP) for tiered testing pursuant to the Inland Testing Manual ([ITM] *Evaluation of Dredged Material Proposed for Discharge in the Waters of the U.S.-Testing Manual*, U.S. Environmental Protection Agency [USEPA] reference 823-B-98-004, Corps' Office of Water, February 1998).
2. Aesthetic Qualities Report on the aesthetic qualities of the proposed discharge material, with a qualitative comparison to the qualities of the receiving beach.
3. A Draft Sensitive Aquatic Resource (SAR) Survey, including *Mitigation and Monitoring Reporting Plan* (MMRP) for pre- and post-project monitoring of any SAR's in the vicinity.
4. A Sediment Budget Analysis to demonstrate the need for the proposed discharge. The applicant will be required to demonstrate the need for placement of the material at locations determined to be appropriate through larger management efforts, e.g., the Coastal Sediment Management Workgroup (CSMW), or based on an analysis of known sediment budget data for the receiving beach.
5. A Biological Impact Report to document how the project will avoid impacts to threatened or endangered species.
6. A Transport and Discharge Plan that details operational procedures for the transport and discharge for fill material.

RGP 67 has the following additional requirements:

1. The beach nourishment source material must:
 - a. be comprised of at least 80 per cent sand and have less than 10 per cent sand difference from the receiving beach; and
 - b. test clean per the requirements of the ITM or be categorically excluded from testing according to 40 Code of Federal Regulations (CFR) 230.60 (a) and (d); and
 - c. have no negative aesthetic impact on the receiving beach.
2. The project must not adversely impact any SAR, and/or the applicant must provide adequate mitigation and post-project monitoring to address such impacts in consultation with the National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NOAA Fisheries).
3. The project must meet Endangered Species Act restrictions.
4. The applicant must demonstrate a need for the discharge at the site.
5. The applicant must provide any additional data requested by the agencies concerning upland source material.

If the project qualifies, RGP 67 provides that the Corps will transmit a Pre-Construction Notification (PCN) based on the above submittals to the following agencies for a 15-day comment period:

California Coastal Commission (CCC)	U.S. Environmental Protection Agency (USEPA)
California Department of Fish and Game (CDFG)	National Oceanic and Atmospheric Administration (NOAA) Fisheries
State Water Resources Control Board (State Water Board)	U.S. Fish and Wildlife Service (USFWS)

Projects that do not meet the terms and conditions of RGP 67, and where issues cannot be resolved informally, would be required to submit an application for a Standard Individual Permit and a project-specific Certification. RGP 67 requires pre- and post-construction monitoring reporting (as per the MMRP) and a final post-discharge report.

This Certification applies to discharges subject to the terms and conditions of RGP 67. In compliance with the California Environmental Quality Act (CEQA), the State Water Board has adopted a Mitigated Negative Declaration (MND) for certification of RGP 67 (SCH # 2005101086). Discharges conducted in compliance with the terms and conditions of RGP 67, as further limited by the State Water Board's Certification conditions as agreed to by LAD and included in the MND, will not violate water quality standards or have other significant adverse impacts on the environment. See Enclosure 1 for a project information summary.

STANDARD CONDITIONS:

The following three standard conditions apply to all certification actions:

1. This Certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to section 13330 of the California Water Code and Article 6 (commencing with section 3867) of Chapter 28, Title 23 of the California Code of Regulations (CCR 23).
2. This Certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to subsection 3855(b) of Chapter 28, CCR 23, and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. This Certification is conditioned upon total payment of any fee required under Chapter 28, CCR 23 and owed by the applicant.

SPECIAL CONDITIONS:

The following additional conditions apply to this Certification Order:

1. **PCN.** The Corps shall include the applicable Regional Water Quality Control Board(s) (Regional Water Board[s]), the California State Lands Commission, and CSMW in the PCN transmittal.
2. **Project-Specific Regional Water Board Certification.** During the PCN review period, the applicable Regional Water Board may notify the Corps and the applicant that it intends to issue individual project-specific certification. Such notification will cancel the eligibility of the project for coverage under this Certification.
3. **Compliance with Water Quality Control Plans.** Discharges shall comply with the California Ocean Plan and the applicable Regional Water Board's Water Quality Control Plan (Basin Plan).
4. **Aesthetics.** The project shall have no significant aesthetic impact on the receiving beach and/or adjacent ocean waters. Impacts to ocean water shall be discussed in the Aesthetics Report required by RGP 67.
5. **SAR Survey.** The following marine resources shall be included in the SAR survey and addressed in MMRP:
 - a. Areas of Special Biological Significance (ASBS). Discharges of sediment directly into an ASBS shall not occur without approval from a Regional Water Board pursuant to the California Ocean Plan, Section III (E). Turbidity plumes from sediment deposition outside of an ASBS shall not significantly alter natural water quality or harm the marine aquatic life in an ASBS.
 - b. Pismo Clam, *Tivela stultorum*. Applicant shall contact CDFG, Marine Region (see addresses below) prior to the survey to request current information on local populations and the appropriate survey methods in the project area.
 - c. Grunion, *Leuresthes tenuis*. If discharges occur between March 1st and August 31st, applicant will include a grunion survey in the SAR survey and will comply with the grunion protection measures; measures shall be documented in the MMRP, if submitted, or as a separate Grunion Plan and transmitted to the Corps (see Special Condition No. 6 b.i).
6. **Grunion Protection.** If discharges occur between March 1st and August 31st, applicant shall determine beach habitat suitability for grunion spawning, as follows:

Applicant shall evaluate the proposed discharge site no more than 30 days before any discharge for suitability to support successful spawning of California grunion (e.g., adequate beach width above average neap high tide line and/or sand depth greater than five inches). No additional monitoring for grunion will be required for beaches with unsuitable habitat.

If the beach is potentially suitable for grunion spawning:

California Environmental Protection Agency

- i. The applicant shall consult with CDFG to identify appropriate measures to avoid significant impacts to grunion spawning (e.g., halting or re-directing work or creating protective berms). The measures shall be documented in the MMRP, if submitted, or as a separate Grunion Plan and transmitted to the Corps.
 - ii. The applicant shall ensure that a qualified monitor observes the beach for grunion spawning during the dates of predicted runs according to the annual CDFG grunion spawning calendar. Observations shall begin two to three weeks prior to discharge and shall continue through the discharge period. Monitoring shall be initiated on the second night after a new or full moon and continue on the next two nights (three nights of monitoring). The monitoring period shall extend from one (1) hour before the peak high tide to two (2) hours after the peak high tide (at least a three hour duration monitoring period).
 - iii. If grunion are present, applicant shall estimate the number of grunion within the project area according to the Walker Scale (Enclosure 2), and the applicant will consult CDFG to select the appropriate measures identified pursuant to Condition b.i above to avoid significant impacts to grunion spawning.
 - iv. A report that includes methods, findings, any consultation required during project implementation, and the effectiveness of implemented protective measures shall be submitted as part of the post-discharge monitoring reporting required by RGP 67.
7. **California least tern, *Sterna antillarum browni*, Breeding Season.** No activities authorized under RGP 67 shall be conducted within 1000 yards of a California least tern breeding colony from April 1 through September 30. .
8. **Transport and Discharge Plan.** The applicant's Transport and Discharge Plan shall include the "Hauling Operations" and "Hazardous Materials Management" measures below in order to qualify for this Certification:
 - a. Hauling Operations
 - i. All trucks hauling sand or other loose materials shall be covered or required to maintain at least two feet of freeboard.
 - ii. All equipment engines shall be maintained in good condition, in proper tune (according to manufacturer's specifications), and in compliance with all State and federal requirements.
 - iii. All operations shall be conducted in compliance with County Air Quality Management District requirements.
 - b. Hazardous Materials Management
 - i. The Transport and Discharge Operations Plan shall include a "Spill Prevention, Containment and Countermeasures Plan" that specifies fueling

and equipment maintenance procedures to prevent spills and leaks, and containment and cleanup measures to be followed in the event of a spill.

- ii. All equipment shall be inspected for leaks immediately prior to the start of beach operations and regularly inspected thereafter until project completion. Vehicles with leaks shall not enter the beach area.
- iii. Equipment shall be cleaned and repaired (other than emergency repairs) at least 500 feet from the high tide line. All contaminated water, sludge, spill residue, or other hazardous compounds will be disposed of at a lawfully authorized designation.

9. **Daily Turbidity Monitoring.** Turbidity shall be monitored daily by a qualified observer from a high vantage point (e.g., a lifeguard tower) during construction. If significant water quality impacts are evident, then the discharge activities shall be modified or suspended as follows:
- a. If visual monitoring indicates turbidity greater than ambient one-half mile from the discharge site (either offshore or downcoast) on two (2) consecutive days, then:
 - i. the monitor shall immediately advise the Regional Water Board, Corps, CDFG, CSMW, and NOAA Fisheries contacts identified in Special Condition No. 13 below by telephone or email; and
 - ii. the discharger shall comply with any measures identified by the Regional Water Board, in consultation with other responsible agencies as appropriate, to mitigate project-related turbidity, including modifying or halting discharge.
 - b. If turbidity persists on the third day, the monitor shall commence daily water clarity testing and reporting to the Regional Water Board and other agency contacts identified in Special Condition No. 9. a.i (see Special Condition No. 10. e. below for reporting requirements). Testing shall consist of measuring transmission of light through the water using a transmissometer. Daily testing shall continue until no project-related turbidity is detectable (i.e, until offshore and downcoast readings return to ambient). Testing shall be designed to document the areal extent and concentration of the turbidity plume at the time of day it is most developed, and shall include at least: samples taken as close as practicable to the discharge site, one-half mile upcoast of the discharge site, one-half mile offshore from the discharge site, and one-half mile downcoast of the discharge site (minimum four samples). Sampling shall be done at mid-depth in the water column. These sampling protocols may be modified with the Regional Water Board's written approval. The applicant shall document logistical arrangements for such potential water quality sampling and shall include draft quality assurance/quality control protocols in the project's MMRP or, if this is not required to be submitted, then as part of a "Turbidity Monitoring Plan" in the RGP 67 application.
 - c. If turbidity is greater than ambient one-half mile from the discharge site (either offshore or downcoast) for five (5) consecutive days, the discharge shall be halted or modified to reduce turbidity.

10. Reporting.

- a. Format. All reports shall be submitted in electronic and paper format. Maps should be at a scale of at least 1:24000 (1" = 2,000').
- b. Georeferencing. Survey and monitoring location information shall be georeferenced with latitude/longitude in degrees/minutes/seconds (DMS) to the nearest ½ second or decimal degrees (DD) to four decimals (0.0001 degree).
- c. SAR Survey and MMRP. The SAR survey and the MMRP shall be submitted by the applicant to the appropriate Regional Water Board(s), CDFG, CSMW, USFWS, and NOAA Fisheries (see addresses below) when transmitted to the Corps. Maps of sites covered in the MMRP shall be included.
- d. Monitoring Reports. The applicant shall send the pre- and post-project monitoring reports specified in the MMRP to the appropriate Regional Water Board(s), CDFG, CSMW, USFWS, and NOAA Fisheries when transmitted to the Corps. If post-project monitoring demonstrates adverse effects to sensitive marine resources, any additional monitoring and/or mitigation plans for the discharge shall be developed by the Corps in consultation with the appropriate Regional Water Board(s), CDFG, USFWS, and NOAA Fisheries.
- e. Daily Turbidity Reports. During construction, the applicant shall send the daily turbidity reports specified in Special Condition No. 9. a.iii to the applicable Regional Water Board(s) and the CSMW. Daily reports shall document any consultation with agencies and shall include a map of the daily maximum plume area, documented with digital photographs. The following information shall be included as a minimum: date, weather conditions (temperature, wind speed, cloud cover, rain), surf conditions (wave height, swell direction), recreational beach use (number of people and distribution), and turbidity level (murky, slightly murky, average, clear). If measurements with a transmissometer are taken (see Special Condition 9. a.iii. above), the report shall include the date, time, methodology, weather conditions, ocean conditions, and meter readings. Transmissometer reports shall be sent to the agencies identified in Special Condition 9. a.i. above
- f. Final Post-Discharge Report shall be sent by the applicant to the State Water Board, appropriate Regional Water Boards, CDFG, CSMW, USFWS, and NOAA Fisheries when transmitted to the Corps. The report shall include the information required by RGP 67 and the following additional information:
 - i. All information collected by the permittee as required by the Special Conditions of this Certification. The report shall indicate whether all Special Conditions were met. Any violations of the Certification shall be explained in detail,
 - ii. A map of the discharge site boundaries with latitude/longitude coordinates for the center of the site (see "b" above), and
 - iii. total acreage of the discharge to two decimals.

11. Violations.

- a. Report of Violation. Violation of any term or condition of this Certification shall be reported in writing to the affected Regional Water Board within 24 hours. The Report of Violation shall contain:
 - i. a description of the violation and its cause;
 - ii. the period of the violation event, including dates and times, and if the violation has not been corrected, the anticipated time it is expected to continue; and
 - iii. steps taken or planned to reduce, eliminate, and prevent reoccurrence of the violation.
- b. Remedies. In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, processes, or sanctions as provided for under State law. For purposes of Clean Water Act section 401(d), the applicability of any State law authorizing remedies, penalties, processes, or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with water quality standards and the pertinent requirements incorporated into this Certification Order.
 - i. In response to suspected violation of any condition of this Certification, the State Water Board may require the holder of any permit or license subject to this Certification to furnish, under penalty of perjury, all technical or monitoring reports the State Water Board deems appropriate, provided that the burden, including cost of the reports, shall be in reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
 - ii. In response to any violation of the conditions of this Certification, the State Water Board may add to or modify the conditions of this Certification as appropriate to ensure compliance.
- c. Access. Representatives of the State or Regional Water Boards shall be allowed access to discharge and mitigation areas to determine environmental condition and compliance with the terms and conditions of this Certification.

12. **Certification Expiration Date.** This Certification will take effect on the date the Corps issues RGP 67 and will remain in effect for five years or until the expiration or retraction of RGP 67, whichever occurs first.

13. Contact Information.

1. State and Regional Water Boards

Required notifications and reports shall be directed to the Certification and Wetlands Program Manager at the State Water Board and the appropriate Regional Water Board offices, at the following addresses:

State Water Resources Control Board
Division of Water Quality
Certification and Wetlands Unit
1001 "I" Street, 15th Floor
Sacramento, CA 95814
Tel: (916) 341-5506

Santa Ana Region
California Tower
3737 Main Street, Suite 500
Riverside, CA 92501-3339
Tel: (951) 782-4130

Central Coast Region
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401
Tel: (805) 549-3147

San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123
Tel: (858) 467-2952

Los Angeles Region
320 West Fourth Street, Suite 200
Los Angeles, CA 90013
Tel: (213) 576-6600

2. Other State and Federal Agencies:

California Department of Fish and Game
Marine Region Office
4665 Lampson Ave, Suite C
Los Alamitos, CA 90720
Tel: (562) 342-7100
Fax: (562) 342-7139

NOAA Fisheries
501 West Ocean Blvd., Suite 4200
Long Beach, CA 90802-4213
Tel: (562) 980-4043
Fax: (562) 980-4018

Clif Davenport
California Geological Survey
Project Manager
Coastal Sediment Management Workgroup
135 Ridgway
Santa Rosa, CA 95401
Tel: (707) 576-2986

U.S. Fish and Wildlife Service
Ventura Fish and Wildlife Office
2493 Portola Road, Suite B
Ventura, CA 93003
Tel: (805) 644-1766
Fax: (805) 644-3958

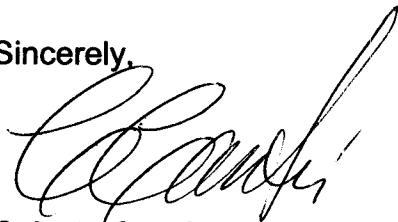
WATER QUALITY CERTIFICATION:

I hereby issue an order certifying that discharges from the referenced project, conducted in compliance with the terms and conditions of this Certification, shall comply with the applicable provisions of sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act, and with other applicable requirements of State law.

Except insofar as may be modified by any preceding conditions, all Certification actions are contingent on (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the applicant's project description and the enclosed Project Information Sheet, and (b) compliance with all applicable requirements of the Regional Water Board's Basin Plan.

If you have questions regarding this Certification, please direct them to Bill Orme, Water Quality Certification and Wetlands Unit, at (916) 341-5464 (borme@waterboards.ca.gov.) You may also contact Oscar Balaguer, Chief, Water Quality Certification and Wetlands Unit, at (916) 341-5485 (obalaguer@waterboards.ca.gov).

Sincerely,



Celeste Cantú
Executive Director

Enclosures

cc: Mr. Steve Henry
Ventura Fish and Wildlife Office
U.S. Fish and Wildlife Service
2493 Portola Road, Suite B
Ventura, CA 93003

Mr. Rodney R. McInnis
NOAA National Marine Fisheries Service
Southwest Region
501 West Ocean Boulevard, Suite 4200
Long Beach, CA 90802-4213

cc: (see next page)

California Environmental Protection Agency

cc: (continuation page)

Ms. Marilyn J. Fluharty
California Department of Fish and Game
Marine Region
4949 Viewridge Avenue
San Diego, CA 92123

Mr. Tim Vendlinski, Chief
Wetland Regulatory Office
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, CA 94105

Mr. Roger Briggs, Executive Officer
Central Coast Regional Water Quality Control Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401-7906

Mr. Jonathan Bishop, Executive Officer
Los Angeles Regional Water Quality Control Board
320 W. 4th Street, Suite 200
Los Angeles, CA 90013

Mr. Gerard J. Thibeault, Executive Officer
Santa Ana Regional Water Quality Control Board
3737 Main Street, Suite 500
Riverside, CA 92501-3339

Mr. John H. Robertus, Executive Officer
San Diego Regional Water Quality Control Board
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340

PROJECT INFORMATION SHEET

1.	Applicant: Agent:	U.S. Army Corps of Engineers Joshua L. Burnam U.S. Army Corps of Engineers Los Angeles District Regulatory Branch P.O. Box 532711 Los Angeles, California 90053-2325
2.	Project Name: Purpose: Description:	Regional General Permit (RGP) 67 for Opportunistic Beach Nourishment in Southern California by the Regulatory Branch, Los Angeles District (LAD), U.S. Army Corps of Engineers (Corps) The Regulatory Branch, LAD, Corps proposes to streamline the regulatory procedures for permitting of beach discharge ("nourishment") activities within the LAD to address sediment deficits and coastal erosion on local beaches and provide a beneficial reuse of dredged or upland material. RGP 67 is designed to obtain surplus sand from upland construction, development, or dredging projects in the region and place it on Southern California beaches for nourishment use. The purpose is to capitalize on opportunities to obtain beach-quality sand from construction projects and other sources when it becomes available. In order to qualify for the RGP and subsequent issuance of a Notice To Proceed, an applicant would be required to submit the following information as part of a complete application: (1) Draft Sampling and Analysis Plan (SAP); (2) Aesthetic Qualities Report; (3) Draft Sensitive Aquatic Resource (SAR) Survey; (4) Sediment Budget Analysis; (5) Biological Impact Report; and (6) Transport and Discharge Plan.

	Description <i>Continued</i>	The Corps will prepare a Pre-Construction Notification (PCN) transmittal containing detailed information pursuant to the list above, and this transmittal would be provided to the following agencies for a 15-day comment period: the California Coastal Commission; California Department of Fish and Game (CDFG); State Water Board, appropriate Regional Water Board(s); Coastal Sediment Management Workgroup, California State Lands Commission, U.S Environmental Protection Agency; National Oceanic and Atmospheric Administration (NOAA) Fisheries, and the U.S. Fish and Wildlife Service (USFWS). If any adverse impacts to Essential Fish Habitat (EFH) or threatened or endangered species were identified, the Corps would initiate the required consultations with the resource agencies and consider the need for alternate permitting strategies. Projects that do not meet the terms and conditions of RGP 67, and where issues cannot be resolved informally, would be required to submit an application for a Standard Individual Permit, and a project-specific Certification.
3.	Receiving Water(s) Name	Pacific Ocean from Morro Bay south to the border with Mexico.
4.	Hydrologic Unit(s)	Potentially any coastal hydrologic unit from Morro Bay south to the border with Mexico.
5.	Latitude/ Longitude	Will be reported for each project under RGP 67.
6.	Water Body Type(s) & Area of Filled / Excavated Waters (Acres)	Ocean: Fill is unknown at this time but will be reported for each project under RGP 67. All impacts will be temporary.
7.	Dredge Volume (CY)	Dredge volume is unknown at this time but will be reported for each project under RGP 67.
8.	Federal Permit(s)	Corps RGP 67 Permit No 200401896 JLB.

9.	Non-Compensatory Mitigation	<p>RGP 67 requires that the applicant:</p> <ul style="list-style-type: none"> • Document in the SAP that the proposed material for beach discharge is comprised of at least 80 percent sand (e.g., the fines percent [silt and clay fraction] cannot exceed 20 percent), and that the fines fraction is within 10 percent of the sand on the receiving beach (e.g., if the fines fraction on the beach is 5 percent, fines in discharge material cannot exceed 15 percent). • The discharge material must test clean per the requirements of the Inland Testing Manual, or be categorically excluded from testing according to the 40 CFR exclusions. • The discharge material must have no significant negative aesthetic impact on the receiving beach. The State Water Board is requiring that this also applies to adjacent ocean waters. • The project must include a SAR survey and must provide adequate mitigation and post-project monitoring to address any impacts to SAR sites in consultation with the Corps, Regional Water Board(s), CDFG, USFWS, and NOAA Fisheries. The State Water Board is requiring that locations of potentially affected Areas of Special Biological Significance (ASBS) be identified in the SAR survey and addressed in the Mitigation and Monitoring Reporting Plan. Discharges of sediment shall not occur directly into an ASBS without approval from a Regional Water Board pursuant to the California Ocean Plan, Section III (E). Turbidity plumes from sediment deposition outside of an ASBS shall not alter natural water quality or harm the marine aquatic life in an ASBS. • The project must avoid activities within any estuary or lagoon. • The project must meet specified RGP 67 plant and animal restrictions. • The applicant must establish a need for the discharge at the proposed location. • The applicant must provide any additional data requested by the reviewing agencies including data on upland source material. • The applicant must provide a Coastal Consistency Certification from the California Coastal
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		Commission.
9.	Non-Compensatory Mitigation <i>Continued</i>	<ul style="list-style-type: none"> The applicant must ensure that all discharges comply with applicable provisions of the California Ocean Plan and the Regional Water Board's Water Quality Control Plans. In addition, this Certification adds additional terms and conditions for the following (see this Certification for specific measures): Agency Notification; Reporting; Hauling Operations; Hazardous Materials Management; Turbidity Monitoring; Grunion; Pismo clam; and Least tern breeding season.
10.	Compensatory Mitigation	N/A
11.	Additional Information	In compliance with the California Environmental Quality Act, the State Water Quality Control Board has adopted a Mitigated Negative Declaration for certification of RGP 67 (SCH # 2005101086).

The Walker Scale for Assessment of Grunion Runs
Developed by K. Martin, M. Schaadt, and S. Laurenz-Miller, 2001

Scale	Numbers of grunion	Duration	Descriptor
W-0	no fish or only a few individuals, no spawning	under 1 hr	not a run
W-1	10 --100 fish scattered on beach at a time, some spawning	under 1 hr	light run
W-2	100 – 500 fish spawning at different times, fish ashore with many of the large waves	under 1 hr	good run
W-3	Hundreds of fish spawning at once in several areas of beach	to 1 hr	strong run
W-4	Thousands of fish together, little sand visible between fish	to 1 hr	excellent run
W-5	Fish covering the beach several individuals deep, a silver lining along the surf	more than 1 hr	incredible run